

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

CHARLES MIESMER,

Petitioner,

vs.

JAMES SALMONSON,

Respondent.

**CV-18-26-GF-BMM-JTJ**

**ORDER**

United States Magistrate Judge John T. Johnston entered his Amended Order and Findings and Recommendations (Doc. 7) in this case on April 18, 2018, recommending dismissal of Petitioner Charles Miesmer's ("Miesmer") petition for writ of habeas corpus under 28 U.S.C. § 2254. Miesmer has failed to timely object to the findings and recommendations, and has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston found, and this Court agrees, that this matter should be dismissed because Miesmer has not filed an individual petition for habeas corpus relief as directed. Miesmer is precluded from filing his request for habeas relief en

masse with other petitioners. Thus, his petition will be dismissed without prejudice.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 7) are ADOPTED IN FULL. Miesmer's Petition (Doc. 2) is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter a judgment of dismissal.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

DATED this 24th day of July, 2018.



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Brian Morris  
United States District Court Judge